

108TH CONGRESS
2D SESSION

S. 2536

To enumerate the responsibilities of the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, to require the Inspector General of the Department of Homeland Security to designate a senior official to investigate civil rights complaints, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2004

Ms. COLLINS (for herself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To enumerate the responsibilities of the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, to require the Inspector General of the Department of Homeland Security to designate a senior official to investigate civil rights complaints, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Civil Rights and Civil Liberties Protection Act of 2004”.

1 **SEC. 2. MISSION OF DEPARTMENT OF HOMELAND SECUR-**
2 **RITY.**

3 Section 101(b)(1) of the Homeland Security Act of
4 2002 (6 U.S.C. 111(b)(1)) is amended—

5 (1) in subparagraph (F), by striking “and”
6 after the semicolon;

7 (2) by redesignating subparagraph (G) as sub-
8 paragraph (H); and

9 (3) by inserting after subparagraph (F) the fol-
10 lowing:

11 “(G) ensure that the civil rights and civil
12 liberties of persons are not diminished by ef-
13 forts, activities, and programs aimed at secur-
14 ing the homeland; and”.

15 **SEC. 3. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.**

16 Section 705(a) of the Homeland Security Act of 2002
17 (6 U.S.C. 345(a)) is amended—

18 (1) in the matter preceding paragraph (1), by
19 inserting “report directly to the Secretary and shall”
20 after “who shall”;

21 (2) in paragraph (1), by striking “and” at the
22 end;

23 (3) in paragraph (2), by striking the period at
24 the end and inserting a semicolon; and

25 (4) by adding at the end the following:

1 “(3) assist the Secretary, directorates, and of-
2 fices of the Department to develop, implement, and
3 periodically review Department policies and proce-
4 dures to ensure that the protection of civil rights
5 and civil liberties is appropriately incorporated into
6 Department programs and activities;

7 “(4) oversee compliance with constitutional,
8 statutory, regulatory, policy, and other requirements
9 relating to the civil rights and civil liberties of indi-
10 viduals affected by the programs and activities of
11 the Department;

12 “(5) coordinate with the Privacy Officer to en-
13 sure that—

14 “(A) programs, policies, and procedures in-
15 volving civil rights, civil liberties, and privacy
16 considerations are addressed in an integrated
17 and comprehensive manner; and

18 “(B) Congress receives appropriate reports
19 regarding such programs, policies, and proce-
20 dures; and

21 “(6) investigate complaints and information in-
22 dicating possible abuses of civil rights or civil lib-
23 erties, unless the Inspector General of the Depart-
24 ment determines that any such complaint or infor-

1 mation should be investigated by the Inspector Gen-
2 eral.”.

3 **SEC. 4. PROTECTION OF CIVIL RIGHTS AND CIVIL LIB-**
4 **ERTIES BY OFFICE OF INSPECTOR GENERAL.**

5 Section 8I of the Inspector General Act of 1978 (5
6 U.S.C. App.) is amended by adding at the end the fol-
7 lowing:

8 “(f)(1) The Inspector General of the Department of
9 Homeland Security shall designate a senior official within
10 the Office of Inspector General, who shall be a career
11 member of the civil service at the equivalent to the GS-
12 15 level or a career member of the Senior Executive Serv-
13 ice, to perform the functions described in paragraph (2).

14 “(2) The senior official designated under paragraph
15 (1) shall—

16 “(A) coordinate the activities of the Office of
17 Inspector General with respect to investigations of
18 abuses of civil rights or civil liberties;

19 “(B) receive and review complaints and infor-
20 mation from any source alleging abuses of civil
21 rights and civil liberties by employees or officials of
22 the Department and employees or officials of inde-
23 pendent contractors or grantees of the Department;

24 “(C) initiate investigations of alleged abuses of
25 civil rights or civil liberties by employees or officials

1 of the Department and employees or officials of
2 independent contractors or grantees of the Depart-
3 ment;

4 “(D) ensure that personnel within the Office of
5 Inspector General receive sufficient training to con-
6 duct effective civil rights and civil liberties investiga-
7 tions;

8 “(E) consult with the Officer for Civil Rights
9 and Civil Liberties regarding—

10 “(i) alleged abuses of civil rights or civil
11 liberties; and

12 “(ii) any policy recommendations regarding
13 civil rights and civil liberties that may be found-
14 ed upon an investigation by the Office of In-
15 spector General;

16 “(F) provide the Officer for Civil Rights and
17 Civil Liberties with information regarding the out-
18 come of investigations of alleged abuses of civil
19 rights and civil liberties;

20 “(G) refer civil rights and civil liberties matters
21 that the Inspector General decides not to investigate
22 to the Officer for Civil Rights and Civil Liberties;

23 “(H) ensure that the Office of the Inspector
24 General publicizes and provides convenient public ac-
25 cess to information regarding—

1 “(i) the procedure to file complaints or
 2 comments concerning civil rights and civil lib-
 3 erties matters; and

4 “(ii) the status of investigations initiated
 5 in response to public complaints; and

6 “(I) inform the Officer for Civil Rights and
 7 Civil Liberties of any weaknesses, problems, and de-
 8 ficiencies within the Department relating to civil
 9 rights or civil liberties.”.

10 **SEC. 5. PRIVACY OFFICER.**

11 Section 222 of the Homeland Security Act of 2002
 12 (6 U.S.C. 142) is amended—

13 (1) in the matter preceding paragraph (1), by
 14 inserting “, who shall report directly to the Sec-
 15 retary,” after “in the Department”;

16 (2) in paragraph (4), by striking “and” at the
 17 end;

18 (3) by redesignating paragraph (5) as para-
 19 graph (6); and

20 (4) by inserting after paragraph (4) the fol-
 21 lowing:

22 “(5) coordinating with the Officer for Civil
 23 Rights and Civil Liberties to ensure that—

24 “(A) programs, policies, and procedures in-
 25 volving civil rights, civil liberties, and privacy

1 considerations are addressed in an integrated
2 and comprehensive manner; and

3 “(B) Congress receives appropriate reports
4 on such programs, policies, and procedures;
5 and”.

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